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OFFICE OF PETITIONS

In re Application of	:	
Staley et al.	:	DECISION ON PETITION TO
Application No. 09/905,179	:	WITHDRAW HOLDING OF
Filed: 23 January, 2001	:	ABANDONMENT
Attorney Docket No. 84380-902	:	

This is a decision on the renewed petition filed on 7 March, 2005, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 16 January, 2003. Notice of Abandonment was mailed on 16 October, 2003.

Petitioners again assert that an amendment was timely filed. In support, petitioner has supplied a copy of an amendment to the specification, the last page of which contains a Certificate of Facsimile Transmission dated 24 March, 2003

Any petition to withdraw the holding of abandonment based on a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and

(2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the **original** response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

Petitioners have now supplied the statement required by item (2) above.

As petitioners have provided convincing evidence that an amendment was transmitted to the USPTO on 24 March, 2003, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The application is being referred to Technology Center Art Unit 3644 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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Office of Petitions